

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEITH DESMOND TAYLOR,

Petitioner,

v.

RON DAVIS, Warden,

Respondent.

Case No. [17-cv-04220-DMR](#) (PR)

ORDER OF TRANSFER

Petitioner, a condemned prisoner incarcerated at San Quentin State Prison, has filed this *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of his conviction obtained in the San Bernardino County Superior Court. Dkt. 1. Petitioner has also filed a motion for leave to proceed *in forma pauperis*. Dkt. 2.

On July 25, 2017, the Clerk of the Court informed Petitioner that this action has been assigned to the undersigned Magistrate Judge.¹ Dkt. 4.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a State which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal.

¹ Petitioner had initially filed along with his petition a form entitled, “Consent or Declination to Magistrate Judge Jurisdiction.” Dkt. 3. However, he did not fill it out with a check mark indicating whether he consented to or declined magistrate judge jurisdiction. *See id.* Therefore, as mentioned above, the Clerk sent Petitioner a notice that his case had been assigned to a magistrate judge. Dkt. 4. To date, Petitioner has not yet returned the form indicating whether he consents to or declines magistrate judge jurisdiction in this action.

1 1968). If the petition is directed to the manner in which a sentence is being executed, e.g., if it
2 involves parole or time credits claims, the district of confinement is the preferable forum. *See*
3 Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

4 Here, Petitioner challenges a conviction and sentence incurred in the San Bernardino
5 County Superior Court, which is within the venue of the Eastern Division of the Central District of
6 California. Therefore, the United States District Court for the Eastern Division of the Central
7 District of California has jurisdiction over this matter.

8 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice,
9 this action is TRANSFERRED to the Eastern Division of the United States District Court for the
10 Central District of California.² Therefore, the Clerk of the Court shall transfer the case forthwith.
11 All remaining pending motions are TERMINATED on this court's docket as no longer pending in
12 this district. Dkt. 2.

13 IT IS SO ORDERED.

14 Dated: August 2, 2017



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17 DONNA M. RYU
18 United States Magistrate Judge
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28 ² Venue transfer is a non-dispositive matter and, thus, it falls within the scope of the
jurisdiction of the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEITH DESMOND TAYLOR,
Plaintiff,
v.
RON DAVIS,
Defendant.

Case No. [4:17-cv-04220-DMR](#)

CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 2, 2017, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Keith Desmond Taylor ID: H46885
San Quentin State Prison
San Quentin, CA 94974

Dated: August 2, 2017

Susan Y. Soong
Clerk, United States District Court

By: 
Ivy Lerma Garcia, Deputy Clerk to the
Honorable DONNA M. RYU